It would seem that thirty-three pages of advertising inserted by the publishers with reference to their other publications are in excess of what good taste and good judgment require.

A. L. C.

Anthropology and Sociology in Relation to Criminal Procedure. By Maurice Parmelee, M. A. New York. The MacMillan Company. 1908. pp. 410.

The propounding of a new penal procedure based on the anthropological and sociological data and statistics of the criminologists is the object of this book. The Science of Criminology, the author says, got its start from the philosophers of the eighteenth century, Rousseau, Voltaire and Montesquieu. From then on, and especially during the last half century, the number of students of crimes and their causes has rapidly increased. Several different schools have grown up, but the most modern and practical one is the "positive" school, headed by Lombroso, Garofalo and Ferri. The anthropological and sociological causes and results, as expounded by this school, from a vast amount of statistics and data, are carefully summarized and criticised. The author maintains that from these conclusions a scientific and accurate working basis may be evolved on which to base a penal code.

The fundamental principles of his scheme are (1) the individualization of punishment, and (2) the periodic revision of sentences. To make the first possible, the criminals are to be classified, not according to the crimes which they commit, but according as they are hereditary, ataristic, degenerate, effeminate, senile, occasional, etc. The criminal qualifies for one group or another as a result of his physical and mental characteristics and the sociological influences under which he has lived. To accomplish the second, a board, appointed for the purpose, periodically re-examines the criminal and according as his mental and physical being has changed, he is re-classified and his punishment re-adjusted.

Students of sociology and even the thoughtful laymen have long realized the inefficiency of our modern system in reforming criminals and reducing crime. The plan which the author suggests would, were it practicable, revolutionize that system and if adopted be an incalcuable boon to society and civilization. On the face of it, it does not seem as if the data and statistics of the criminologist were practical enough to base a penal code upon.

The book though slender in itself is rather ponderous reading as the following quotation will show: "When criminal procedure is based on criminal anthropology and sociology, crime will no longer be treated merely as a juridical phenomenon but primarily as an anthropological and social phenomenon. Its juridical character will then be determined by its anthropological and social character. Procedure will no longer be purely empirical or governed by criteria which are more or less independent of the character of the criminal but will be governed by strictly scientific criteria." Page 129. *C. E. H., Jr.*

Water Rights in the Western States. By Samuel C. Wiel. Second Edition. Bancroft-Whitney Co. San Francisco. 1908. pp. lxix, 974.

This is an excellent work, painstaking and complete, scholarly and correct. Its analysis of the subject is logical and convenient; its language is plain and clear; its citation of cases is very full and accurate.

The peculiar circumstances under which the public mineral land was taken up in the immense territory of the west, the scarcity of water and the absolute necessity of having it for use in mining and farming operations, have brought into existence many new doctrines unknown to the common law in its earlier history. These new doctrines are grouped under the heading "The Law of Appropriation," and occupy the attention of the author throughout 400 pages. The history of the origin and growth of these principles is given here probably better than in any other book. "The Law of Riparian Rights" is treated separately; as indeed it must be, for it is a distinct system of law. Yet the two constantly overlap and influence each other, and the statement of the law of appropriation requires a thorough knowledge and discussion of riparian rights, especially as regards the Pacific Coast states, where the two systems of law exist side by side—or better perhaps, are merged into one.

Seven of the practically arid states have repudiated riparian rights altogether, and have declared in their constitutions, statutes or judicial decisions, that such rights do not exist within their borders. It is a very interesting question whether these states have the constitutional power to do this, and where they got the power if they have it. It seems to amount in many instances, to